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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,932	07/02/2003	Hideaki Takahashi	239740US90	2545

22850 7590 02/06/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/610,932

Applicant(s)

TAKAHASHI ET AL.

Examiner

Amancio Gonzalez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen (US PGPub 20020099854), hereafter "Jorgensen," in view of Border et al. (US PGPub 20020071436), hereafter "Border."

Consider claims 1-3, and 19-24, Jorgensen discloses a packet communication system comprised of nodes and links (**see Jorgensen: Abstract; pars. 0008, 0227, 0309**). Jorgensen discloses a node as a destination of a packet transmitted from a

correspondent node (**correspondent node reads on source node -see Jorgensen: par. 0226**). Jorgensen implicitly discloses Path MTU discovery execution determining means for determining whether a discovery of a Path MTU of the path from the correspondent node to the destination node should be executed, based on the path information; Path MTU setting means for setting the Path MTU on the basis of the path information; and Path MTU announcing means for announcing the Path MTU set by the Path MTU setting means (**Path MTU discovery, execution, and announcement, are inherent in TCP and TCP/IP –see Jorgensen: Abstract; pars. 0005-0016, 0036, 0037, 0039, 0045, 0058**).

Jorgensen discloses a node receiving telecommunication traffic (**see Jorgensen: pars. 0185, 0212, 0226**), but does not particularly refer to receiving an advertisement of path information about a path from the correspondent node to the destination node. Border discloses receiving an advertisement of path information about a path from the correspondent node to the destination node (**see Border: pars. 0102, 0200, 0217, 0218, 0266**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Jorgensen and Border and have it include an endpoint host or node receiving advertising, as taught by Border, thereby improving performance and quality of service in a packet based network, as discussed by Jorgensen (**see Jorgensen: pars. 0066, 0072**).

Consider claims 4-9, 12-15, Jorgensen, as modified by Border, teaches claims 2 and 3 above respectively, and further teaches node mobility –cellular system- in a TCP and TCP/IP implemented communication network (see Jorgensen: pars. 0560-0562).

Consider claim 10, Jorgensen, as modified by Border, teaches claim 1 above, and further teaches updating routing information (see Jorgensen: par. 0337).

Consider claim 11, Jorgensen, as modified by Border, teaches claim 10 above, and further teaches routing information update and node mobility in a TCP and TCP/IP implemented communication network (see Jorgensen: pars. 0337, 0560-0562).

Consider claims 15-18, Jorgensen, as modified by Border, teaches claims 4 and 8 above respectively, and further teaches node mobility –cellular system- in a TCP and TCP/IP implemented communication network (the limitation “home agent” in the claims reads on the functions of the MSC, HLR, and VLR, inherent elements of a cellular communication system -see Jorgensen: pars. 0560-0562).

Conclusion

5. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

February 2, 2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600